

**IDAHO BOARD OF MASSAGE THERAPY**  
**Bureau of Occupational Licenses**  
700 West State Street, P.O. Box 83720  
Boise, ID 83720-0063

**Board Meeting Minutes of 3/5/2018**

**BOARD MEMBERS PRESENT:** Linda A Chatburn - Chair  
Marcia C Garey  
Carla A Steen  
Mary Jo White, D.C.

**BOARD MEMBERS ABSENT:** Gail L King

**BUREAU STAFF:** Tana Cory, Bureau Chief  
Dawn Hall, Deputy Bureau Chief  
Jean R. Uranga, Board Prosecutor  
Lori Peel, Investigative Unit Manager  
Maurie Ellsworth, General Counsel  
Dicsie Gullick, Management Assistant  
Candace Villarreal, Board Specialist

**OTHERS PRESENT:** Camille Percy, Elements Massage  
Heather Pence, applicant

The meeting was called to order at 8:35 AM MST by Linda A Chatburn.

**AMEND AGENDA**

Dr. White made a motion to amend the agenda to add case # MAS-2018-15, which was received over the weekend. It was seconded by Ms. Steen. Motion carried.

**INTRODUCTIONS**

Ms. Chatburn introduced Camille Percy of Elements Massage and Heather Pence, applicant.

**APPROVAL OF MINUTES**

Dr. White made a motion to approve the minutes of 1/8/2018. It was seconded by Ms. Steen. Motion carried.

**NEW BOARD MEMBER ARRIVAL AND INTRODUCTION:**

Marcia C. Garey, Licensed Massage Therapist and Physical Therapist Assistant, arrived and introductions of the new Board member were made.

## **LEGISLATIVE REPORT**

Ms. Cory informed the Board that Sens. Burgoyne and Den Hartog mentioned to some members of the Boards served by the Bureau that they were looking at potential legislation. The concept would be to allow a person or entity that is alleged to have violated the Board's laws and rules to recover attorney's fees if the person or entity was found to have not violated the Board's laws and rules. That idea became a bill, SB1316, and it was referred to the amending order.

Ms. Cory covered an article from the Business Review and Senate Bill 1316. Mr. Ellsworth discussed suggestions for updates to S1316, including technical issues, fees and costs, licensing authorities and definitions relating to licensees. The Board member will have an opportunity to review the bill.

## **INTERIM COMMITTEE UPDATE**

Ms. Cory and Mr. Ellsworth updated the Board on the status of legislation that may affect the Board. Senate Bill 1316 would allow respondents to recoup costs in cases where they prevail in disciplinary actions brought by the Board. House Bill 623 would create a central office of hearing officers and repeal and replace the Administrative Procedure Act. It would require appointment of hearing officers earlier in disciplinary cases and require that the case be overseen by a hearing officer. It would change evidentiary standards and the way hearing are conducted, making them more formal. It would eliminate the Board's ability to make or revise findings of fact of the hearing officer and expand the ability of a court to take more evidence and potentially even hold a new trial of a case. All of these changes would increase costs of disciplinary proceedings.

Each Board served by the Bureau has designated a member to work with the Bureau and the designated members of other Boards served by the Bureau to follow these issues and to work with the Governor's Office and Legislators as this legislation is considered.

## **FINANCIAL REPORT**

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$319,655.44 as of 2/28/2018.

## **DISCIPLINE**

Ms. Uranga presented memorandums regarding case numbers MAS-2018-17 and MAS-2018-18 and after discussion, the Board gave recommendations for appropriate discipline.

## **FOR BOARD DETERMINATION**

Ms. Uranga presented a Stipulation and Consent Order in case MAS-2018-15. Dr. White made a motion to approve the stipulation and consent order in case MAS-2018-15 and authorize the Board Chair to sign. It was seconded by Ms. Steen. Motion carried.

## **SCAM ALERT**

Ms. Cory discussed the email sent to Board Members on scams targeting licensees. Notification has been added to the Idaho Board of Massage Therapy webpage.

## **INVESTIGATIVE REPORT**

Ms. Peel gave the investigative report, which is linked above.

## **VOLUNTARY SURRENDER PROCESS**

Ms. Peel covered the Voluntary Surrender Process regarding fees, settlements, collections and payment plans.

## **OLD BUSINESS**

The Board reviewed the To Do List and no action was taken.

## **FREQUENTLY ASKED QUESTIONS DRAFT**

The Board discussed the FAQ draft regarding supervision of clinical work and field work; definitions regarding clinical work vs externships; fieldwork vs internships; and how schools may handle these types of activity. It was determined that the rule is clear and not ambiguous regarding hours required and clinical work. Ms. Chatburn will continue to work with the Board specialist on the FAQ, and remove the note regarding the definition of “externship” and draft an additional paragraph regarding a program for tuition work off and fieldwork. The new paragraph should note that tuition work-off and fieldwork are in addition to the current 500 hour requirement. These changes will be added to the redraft and the final draft presented for approval in the May 14, 2018 Board meeting.

## **RENEWAL FORMS**

Updates to the renewal form regarding continuing education were discussed. No further action was taken.

## **FEDERATION OF STATE MASSAGE THERAPY BOARDS EXECUTIVE DIRECTOR SUMMIT**

The Board discussed the Federation of State Massage Therapy Boards' Executive Director Summit being held April 12-13, 2018 in Kansas City, Missouri. Discussion was held regarding the need for the attendee to the summit to make an inquiry on the reason the FSMTB is asking for information to be provided by the schools regarding verification of student educational background and current attendance at the school. The Board has concerns that asking for this information from schools, instead of from students, may be a violation of the Family Educational Rights and Privacy Act. Dr. White made a motion to send two Board members. It was seconded by Ms. Steen. Motion carried.

### **PLAQUES FOR BOARD MEMBERS**

Discussion was held regarding sending a plaque to past Board Members. Dr. White made a motion to order plaques on an ongoing basis and to order the plaques for Paul Weston and Gayla Nickel, It was seconded by Ms. Steen. Motion carried.

### **EXECUTIVE ORDER**

Ms. Hall and the Board reviewed a rough draft of the Executive Order response, and said Ms. Eavenson and the Board specialist will work with Ms. Chatburn to prepare the final draft for review and final approval at the May 14, 2018 Board meeting.

### **EXECUTIVE SESSION**

Ms. Steen made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Dr. White. The vote was: Ms. Steen, aye; Dr. White, aye; Ms. Garey, aye; and Ms. Chatburn, aye. Motion carried.

Dr. White made a motion to come out of executive session. It was seconded by Ms. Steen. The vote was: Ms. Steen, aye; Dr. White, aye; Ms. Garey, aye; and Ms. Chatburn, aye. Motion carried.

### **EXECUTIVE ORDER REVIEW CONTINUED**

The Board reviewed all EO comments received to date, and directed Ms. Eavenson and the Board specialist to work with Ms. Chatburn to prepare the EO draft for review and final approval at the May 14, 2018 Board meeting.

### **NEW BUSINESS**

**NEXT MEETING** is scheduled for **May 14, 2018 8:30 AM MST**  
**ANOTHER MEETING** was scheduled for **July 16, 2018 at 8:30 AM MST**

**ANOTHER MEETING** was scheduled for **September 17, 2018 at 8:30 AM MST**  
**ANOTHER MEETING** was scheduled for **November 19, 2018 at 8:30 AM MST**

## **CORRESPONDENCE**

### **FEDERATION OF STATE MASSAGE THERAPY BOARDS MBLEX CONTENT**

The Board reviewed an announcement regarding changes to MBLEx Content from the FSMTB. No Action was taken.

### **AMERICAN MASSAGE THERAPY ASSOCIATION, INSTRUCTIONAL DESIGN DEVELOPING ASSESSMENTS/RUBRICS**

Ms. Michelle Fenn requested a review of courses, offered by the AMTA, regarding instructional design and developing assessments and rubrics. The Board directed the Board Specialist to send a letter asking for a course approval application in order that all information regarding this course study may be reviewed by the Board.

### **BOWENWORKS**

Mr. Brad Forsgren, LCSW, CRC, requested information regarding the requirement for licensure for those practicing Bowenwork in Idaho. The Board directed the Board Specialist to send a letter stating that Bowenwork is not considered germane to the practice of massage therapy, and as long as any person who practices this modality does not hold themselves out to be a massage therapist or practice massage therapy, they would not require licensure, as stated in Idaho Code §54-4005.

### **AMERICAN MASSAGE THERAPY ASSOCIATION, IDAHO CHAPTER WEBSITE UPDATES**

It was suggested to contact Becky Olinger, AMTA Idaho Chapter President, to request updates to the AMTA Idaho Chapter Website regarding the CEU Requirements field, which currently states: 6 hours annually. The Board directed the Board Specialist to send an email suggesting a more detailed description that matches the state licensure rules be listed on the website under CEU Requirements.

### **CE COURSE APPROVAL APPLICATIONS**

Dr. White made a motion to deny the following Course Approval Applications:

15535 JADE ESTHETICS  
15539 ELECTRODERMAL SCREENING

## **EXECUTIVE SESSION**

Ms. Steen made a motion that the Board go into executive session under Idaho Code § 74-206(1) (d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Ms. Garvey. The vote was: Ms. Garvey, aye; Ms. Steen, aye; Dr. White, aye; and Ms. Chatburn, aye. Motion carried.

Dr. White made a motion to come out of executive session. It was seconded by Ms. Steen. The vote was: Ms. Garvey, aye; Ms. Steen, aye; Dr. White, aye; and Ms. Chatburn, aye. Motion carried.

It was seconded by Ms. Steen. Motion carried

## **APPLICATIONS**

Dr. White made a motion to approve the following applications pending receipt of documents:

901-143-173  
901-157-186  
901-156-081  
901-156-365  
901-157-152  
901-156-730  
901-150-755

It was seconded by Ms. Steen. Motion carried.

Dr. White made a motion to approve the following applications for licensure:

Adams, Rebecca	MASA-3441
Appling, Amanda	MASA-3419
Batchelor, Chelsea	MASA-3431
Beckman, Kristen	MASA-3437
Benitez, Ramon	MASA-3424
Benson, Emily	MASA-3453
Bloom, Juanita	MASA-3433
Booth, Kelli	MASA-3249
Byrd, Tony	MASA-3434
Carrera, Sarah	MASA-3451
Chernoff, Larissa	MASA-3430
Clark, Briley	MASA-3447
Farley, Dana	MASA-3427
Fluharty, Jennifer	MASA-3148

Fritz, Kirsten	MASA-3443
Gwaltney, Beth	MASA-3450
Harney, Sandra	MASA-3432
Harper, Britnee	MASA-3446
Hudiburg, Jaqueline	MASA-3432
Hudson, Chantel	MASA-3448
Minson, Gordon	MASA-3444
Page, Christopher	MASA-3435
Pence, Heather	MASA-3421
Perlinger, Emily	MASA-3426
Rushton, Teresa	MASA-3454
Scheuermann, Robert	MASA-3420
Starr, Ariel	MASA-3425
Summer, Linda	MASA-3422
Towles, Rayanne	MASA-3449
Ward, Blythe	MASA-3416
White, Brittney	MASA-3439

It was seconded by Ms. Steen. Motion carried.

## **PROVISIONAL PERMITS**

The Board discussed Provisional Permits. The Board confirmed that the permits are meant to be short term, and the Board allows one permit per licensee with one supervisor. Applicants for a provisional permit are required to take the next scheduled examination. Ms. Garey moved to direct the Bureau to add wording to the provisional permit application that states, "In order to qualify for a provisional permit, applicant certifies they have scheduled the next available examination and to add a blank field for applicant to enter the scheduled date of the examination on the application. Wording will also be added that, "an applicant may not have failed 2 previous examinations" and that, "examinations must be taken within 30 days of issuance of the provisional permit."

## **ADJOURNMENT**

Dr. White made a motion to adjourn the meeting at 3:57 PM MST. It was seconded by Ms. Steen. Motion carried.

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Linda A Chatburn, Chair

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Marcia C Garey

Gail L King

Carla A Steen

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Mary Jo White, D.C.

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Tana Cory, Bureau Chief